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Water Company, LLC

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AZ CORP COMMISSION
DOCKET CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

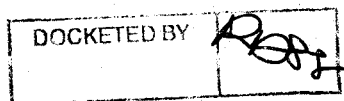
Arizona Corporation Commission

COMMISSIONERS

DOCKETED

OCT 6 2011

GARY PIERCE – Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS



IN THE MATTER OF THE APPLICATION OF)
MONTEZUMA RIMROCK WATER)
COMPANY, LLC FOR APPROVAL OF A)
RATE INCREASE.)

DOCKET NO. W-04254A-08-0361

DOCKET NO. W-04254A-08-0362

IN THE MATTER OF THE APPLICATION OF)
MONTEZUMA RIMROCK WATER)
COMPANY, LLC FOR APPROVAL OF A)
FINANCING APPLICATION)

RESPONSE TO MOTION FOR
EVIDENTIARY HEARING

Montezuma Rimrock Water Company LLC, by its undersigned counsel, responds as follows to the Intervener's Motion for Evidentiary Hearing: The Company is mindful of the Court's August 24, 2011 order directing it to explain the financing of its proposed arsenic treatment facility or "how and when it will remedy its system's arsenic maximum contaminant level exceedance."

Pursuant to the Court's order, on September 19, 2011 the Company submitted a report which detailed the terms of the financing it anticipated would be necessary to fund construction of the plant. On or about September 24, the Company learned of an opportunity to lease the

1 arsenic treatment plant, making unnecessary the need to fund construction of the facility. The
2 Company is actively working to formalize a lease of the equipment in order to have the treatment
3 plant in place in a timely manner.


4
5 Undersigned counsel is informed and believes that the system and equipment the
6 Company proposes to lease is the same as that which has been approved by ADEQ. Given the
7 recent change of plans, the details concerning the lease agreement are not presently available to
8 undersigned counsel. However, the Company will disclose such details promptly and as they
9 become available.

10
11 Given the Company's timely and good faith compliance with the procedural orders, there
12 is no need or reason for an evidentiary hearing to consider the issues raised by its request to
13 withdraw its application for an emergency rate increase and it respectfully requests that the
14 Interveners' motion be denied.

15 DATED this 3rd day of October, 2011.

16 LAW OFFICE OF DOUGLAS C. FITZPATRICK

17
18
19 BY



Douglas C. Fitzpatrick
Attorney for Montezuma Rimrock Water
Company LLC

20
21
22
23 ORIGINAL and 13 copies
24 of the foregoing mailed
25 this 3rd day of October,
2011, to:

26 Arizona Corporation Commission
27 Attn: Docket Control
28 1200 West Washington Street
Phoenix, Arizona 85007

1 COPIES of the foregoing mailed
2 this 3rd day of October, 2011, to:

3 Darak R. Eaddy
4 Utilities Division
5 Arizona Corporation Commission
6 1200 West Washington Street
7 Phoenix, Arizona 85007

8 John Dougherty
9 P.O. Box 501
10 Rimrock, Arizona 86335

11 Patricia D. Olsen, Manager
12 Montezuma Rimrock Water
13 Company, LLC
14 P.O. Box 10
15 Rimrock, Arizona 86335

16 Janice Alward, Chief Counsel
17 Legal Division
18 Arizona Corporation Commission
19 1200 West Washington Street
20 Phoenix, Arizona 85007

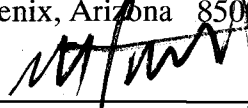
21 Steven M. Olea, Director
22 Utilities Division
23 Arizona Corporation Commission
24 1200 West Washington Street
25 Phoenix, Arizona 85007

26 Lyn Farmer
27 Chief, Hearing Division
28 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

14 copies of the foregoing
mailed this 3rd day of October,
2011 for docketing in
W-04254A-11-0296 to:

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1 Arizona Corporation Commission
2 Attn: Docket Control
3 1200 West Washington Street
4 Phoenix, Arizona 85007

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7 Douglas C. Fitzpatrick
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